



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/672,154	09/27/2000	Masahiko Sato	450100-02733	6619
20999 7590 07/09/2008 FROMMER LAWRENCE & HAUG 745 FIFTH AVENUE- 10TH FL. NEW YORK, NY 10151				
EXAMINER				
RAMAN, USHA				
ART UNIT		PAPER NUMBER		
2623				
MAIL DATE		DELIVERY MODE		
07/09/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/672,154

Applicant(s)

SATO, MASAHIKO

Examiner

USHA RAMAN

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 April 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 and 6-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 6-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
- Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
- Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed April 8th 2008 have been fully considered but they are not persuasive.

Applicant argues (see Remarks page 9) that, "The Office Action asserts that Huxley teaches the same purpose" while noting that, "Huxley discloses accessing databases stored in a home storage medium such as a CD ROM". Applicant however appears to have misunderstood the non-final Office action mailed on January 11th, 2008. It is not that the Office action asserted that Huxley teaches the same purpose, rather the Office action shows that Huxley was evidence to one of ordinary skill at the time of the invention that program databases were well known to be stored at a storage medium available at a user location, wherein the databases comprises program information (in this case pertaining to movie), as well as trailers that are readily available for retrieval for additional information about a program title, however provide limited navigation functions. See Huxley, column 1, lines 47-62. On the other hand, Dunn shows a system where navigation functions for searching program records a server are robust, however the query results transmit program records in their entirety to the user, thereby incurring additional transmission time and bandwidth. Wheeler additionally teaches the step of when a user submits a query request, providing an identifier of the data that is already stored at the local storage rather than transmitting the data from the data server. Wheeler accordingly is relied upon for the teaching of minimizing the amount of data to be communicated.

Therefore, in the scenario where program records are already available at the user (as evidenced by Huxley), it would be advantageous to modify the search functionality of Dunn to retrieve the identifier of the data records present at the user storage rather than re-transmitting the data records from the data server to the user server.

Applicants arguments (see Remarks page 11) stating that, "Such a system would be impractical with an Electronic Program Guide EPG system of the present invention since by the time the user received the CD-ROM, they program content would be over" are found unpersuasive as the modified system teaches requesting the program on demand.

For the reasons stated above, the rejection is maintained.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-4, and 6-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dunn (US Pat. 5,945,987) in view of Huxley et al. (US Pat. 6,134,547) and Wheeler (US Pre Grant Pub. 2001/0056478).

In regards to claims 1 and 9, Dunn discloses a broadcast program retrieval system for retrieving a desired broadcast program among a plurality of broadcast programs, comprising:

A data server (22) including a database (44) configured to receive and store broadcast program information (i.e. program records, see column 2, lines 54-62), the program information including name of an entertainer (see column 5, lines 59-63), and at least one function for searching the broadcast program information, which includes at least one program retrieval identification code (program ID) and other information related to broadcast programs (see column 3, lines 19-33).

The program ID uniquely identifies a program data record corresponding to a program content, wherein the program data records comprise data including scheduled time of the program. The program ID is therefore a function of content and a time slot. See column 5, lines 59-63.

A user server configured to receive (see column 3, lines 28-30) and store the broadcast program information (column 6, lines 18-25 and column 9, lines 30-35), said user server operating to send to the data server at least one content keyword for searching the broadcast program information for the desired broadcast program (see column 7, lines 20-25), including searching according to the name of an entertainer (see column 9, lines 1-2) and receiving a select number of program data

records including program ID, the select number of program data records relating to the content keyword as a result of the searching by the data server. See column 3, lines 16-20 and lines 28-30.

Wherein data server enables said user server to retrieve a select number of broadcast program information stored in the user server (see column 8, lines 43-49), and allows a user to review the select number of broadcast program information (see column 10, lines 35-40, and lines 65-66) and to select the desired broadcast program from among a select number of broadcast programs corresponding reviewed select number of broadcast program information (see column 12, lines 64-67 and column 13, lines 1-3). Dunn also discloses that the broadcast programs maybe broadcast over various types of network, including a satellite network. See column 2, lines 36-44.

Dunn's headend server receives user query and searches its data server to find programs matching user's query, i.e. the search for information pertaining to a desired program is performed by the server. Dunn fails to disclose that the broadcast program information stored on the data server and user server are identical and that the user server is operative to receive from the data server only a select number of program retrieval identification codes related to a query result; wherein the select number of program retrieval identification codes received from the data server enables the user to retrieve the broadcast program information.

In an analogous art, Huxley discloses that movie databases stored in a storage medium (e.g. CD ROM) for home use were well known in the art at the time of the

invention that the user conventionally used with limited navigation functions to inform the user of various information about movies (see column 1, 47-62). Huxley accordingly presents the advantageous scenario of having a plurality of database information available at the user server, that the user can readily view without having to download a plurality of data.

In a similar field of endeavor, Wheeler discloses an efficient manner of processing user requests by minimizing delays incurred in downloading data during the user request. The method comprises the steps of storing information identical to the data server at the user server in a storage medium (e.g. CD ROM), wherein a user submits a query to the server and the server in turn processes the request by transmitting an identifier corresponding to the desired result, rather than transmitting data files. Such a method transmits very little information over the network from the server to the user server and therefore makes the information available more readily to the user with a reduced transmission time. See Wheeler: [0012], [0014], [0028], [0033].

It would have been obvious to one of ordinary skill in the art at the time of the invention to improve the drawbacks inherent in the systems of Dunn which presented slower retrieval of program information by the download of program information and the system of Huxley which presented limited navigational functions of the local database with the teachings of Wheeler by submitting user query to the server, transmitting only identifiers (i.e. program retrieval identification codes) of a select number of results corresponding to the content keyword as a result of the

searching by the data server, thereby providing user with advanced navigational and search functions with reduced transmission time. The modified system therefore retrieves the identifier of the data records present at the user storage rather than re-transmitting the data records from the data server to the user server, thereby providing the robust search functionality as taught by Dunn and the quick program information retrieval from data available at the user server.

In regards to claim 2, the user server in the modified system is connected to the head end through a communication link (cable network). Note figure 1 in Dunn.

In regards to claim 3, the modified system comprises search criteria including element of the content forming the broadcast program, such as category, title, actor, etc. Note column 7, lines 20-25 in Dunn.

In regards to claim 4, the modified system uniquely identifies each of the broadcast programs by a program ID in the program data record. Therefore the broadcast program inherently has a program ID appended in an "event information region" in order to properly identify the program specified by a program ID. Note column 2, lines 56-59 in Dunn.

In regards to claim 6, the program information sent of by the head end to the user server is used by a plurality of applications running on the set top box including an electronic program guide. Note column 4, lines 1-5 in Dunn.

In regards to claims 8 and 11, the data server of the modified system comprises a "keyword" database where a plurality of keywords related to a program (such as categories, title, actor, etc.) are used to match at least one content keyword

(search criteria) received from the user server. Note column 8, lines 55-67 and column 9, lines 1-7 in Dunn.

In regards to claim 14, the searching functions provided in the modified system has the capability for a viewer to select items from the "viewer list" that contain the programs that have been added by the user and therefore reflecting the user's preference. Note column 10, lines 32-36 and column 9, lines 55-63 of Dunn.

In regards to claim 7 and 10, the modified system does not disclose that the program ID is unique for each of the plurality of broadcasts of the same program. Official notice is taken that program data event in an EPG are uniquely identified by the channel and time (as seen on an EPG grid). It would have been obvious to one of ordinary skill in the art at the time of the invention to further modify the system in order to identify each of the program records by a combination of its channel and time information, thereby allowing each airing of a program event to be uniquely identified, according to its channel and airtime time.

In regards to claim 12, the modified system lacks that the program retrieval system updates the keyword database with any changes made to other information related to the broadcast programs. Official notice is taken that it is well known for head ends often receive schedule update information from a plurality of satellite feeds (downlink feed) and/or other master head end sources. Therefore changes in the information related to a program are reflected in updated program information records received from such master head ends. Therefore it would be obvious to one of ordinary skill in the art at the time of the invention to further modify

the system with a master head end for providing information reflecting any changes in the broadcast program information, in order to ensure that the local head ends have the most up to date broadcast program information.

In regards to claim 13, the program information record in the modified system includes other information related to the broadcast programs such as cast members (list of performers) appearing on each of the broadcast programs in addition to program ID. Note column 5, lines 56-67 in Dunn.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US Pat. 7,373,652 to Bayrakeri et al. column 32, lines 63-67 and column 33, lines 1-8.
5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Usha Raman whose telephone number is (571) 272-7380. The examiner can normally be reached on Mon-Fri: 8am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Chris Kelley/

Supervisory Patent Examiner, Art
Unit 2623